

# FEDERAL DEFENDER SERVICES OF WISCONSIN, INC.

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Hon. Pamela Pepper  
United States District Court  
for Eastern District of Wisconsin  
517 E. Wisconsin Avenue  
Milwaukee, WI 53202

RE: *United States v. Jacob L. Maclin*, Case No. 18CR122(PP)

Dear Judge Pepper,

Maclin submits this brief letter to offer additional authority on the issue of tint and to correct an inaccurate statement the defense made in argument as it relates to Wisconsin's window tint law. The tint requirements are set forth in Wis. Admin. Code. § Trans. 305.32(5)(b), and it permits rear window tinting "only if the window allows at least 35% of light to pass through, *except that the limitation does not apply to tinting done during the original manufacture of a vehicle.*" *State v. Conaway*, 323 Wis. 2d 250 (Ct. App. 2009) (emphasis added).

The defense understood, and stated in Court, that rear window tint was legal in Wisconsin. That's only partially true. However, counsel's understanding was based on the reality that because rear window tint of any amount is allowed if part of the manufacturer's install, absent some independent basis to believe the tint is not part of the manufacturer's tint, police will lack either reasonable suspicion or probable cause to believe there's been a tint violation. That's true here.

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*Conaway* is also persuasive for the argument that the testimony given by these officers fails to establish either reasonable suspicion or probable cause that the rear window allowed less than 35% of light to pass through.

Counsel apologizes for any confusion created by its misstatement, but submits that it doesn't impact the analysis in this case.

Sincerely,

s/Joshua D. Uller  
Joshua D. Uller

JDU/lc